

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CV-588

UNITED STATES OF AMERICA

Plaintiff,

v.

WARD AND BREY PERSONAL
PROPERTY SPECIFICALLY DESCRIBED

Defendants.

ORDER

Pending before the Court is a Consent Motion to Stay [D.E. 11]. Claimant move pursuant to 18 U.S.C. § 2254 and § 981(g)(2) to stay this civil forfeiture proceeding. The Court GRANTS the Motion to Stay.

The civil complaint was filed pursuant to 18 U.S.C. § 2254, which incorporates the procedures of 18 U.S.C. § 981.

Section 981(g)(2) provides that upon the filing of a motion by a claimant, the Court shall stay a civil forfeiture proceeding where: (1) the claimant is the subject of a related criminal case or investigation; (2); the claimant has standing to assert a claim in the civil forfeiture proceeding; and (3) the continuation of the forfeiture proceeding would burden the right of the claimant against self-incrimination in the related criminal case. 18 U.S.C. § 981(g)(2).

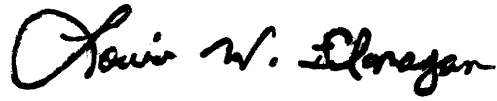
Upon a review of the record in this case, the Courts finds that a related criminal investigation is currently ongoing that involves similar facts, witnesses, and circumstances to this civil forfeiture proceeding. See 18 U.S.C. § 981(g)(4).

Moreover, Claimants have standing to assert a claim in these forfeiture proceedings.

Finally, a stay of these proceedings is warranted pursuant to Section 981(g) because civil discovery will burden Claimant's right against self-incrimination in the related criminal investigation. See 18 U.S.C. § 981(g)(2).

The Court, therefore, GRANTS the Motion to Stay and stays these proceedings until such time as the related criminal proceedings have been finally determined.

SO ORDERED. This 5th day of February, 2016.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style.

LOUISE W. FLANAGAN
U.S. District Judge